

## **REMARKS**

The Office Action mailed March 30, 2009 has been received and reviewed. Prior to the present communication, claims 52-60 were pending in the subject application. Each of claims 52-60 stands rejected. Claims 52, 58, and 60 have been amended herein. It is respectfully submitted that no new matter is added by way of the amendments. Support may be found in the specification at, for example ¶¶ [0029], [0061] and [0074]. Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

### **Rejections based on 35 U.S.C. § 103(a)**

#### **A.) Applicable Authority**

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03. In order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)”. See MPEP §2143. The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*,

383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivation found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. *See, Application of Bergel*, 292 F. 2d 955, 956-957 (1961).

Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, that “it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007). Further, in establishing a prima facie case of obviousness, the initial burden is placed on the Examiner. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972 (Bd. Pat. App. & Inter. 1985).” *Id.* *See also* MPEP §706.02(j) and §2142.

**B.) Obviousness Rejection Based on U.S. Patent No. 6,301,586 to Yang et al. in View of U.S. Publication No. 2003/0079038 to Robbin et al., and in further view of "1001 Windows 98 Tips" by Jasma**

Claims 52-55 and 57-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,301,586 to Yang et al. (hereinafter the “Yang reference”) in view of U.S. Publication No. 2003/0079038 to Robbin et al. (hereinafter the “Robbin reference”), and in further view of "1001 Windows 98 Tips" to Jamsa (hereinafter the "Jamsa reference"). As the combination of the Yang, Robbin, and Jamsa references, whether taken alone or in combination, fail to teach or suggest all of the features of each of the rejected claims, a *prima facie* case of obviousness has not been established, and Applicants therefore respectfully traverse this rejection, as hereinafter set forth.

Independent claim 52, as amended herein, is directed towards a computer storage media having computer-executable components. The media include a basket interface component configured to simultaneously manipulate received data objects as an integrated unit, wherein the basket interface component includes a writable property which defines properties of a collection of data items, the writable property being writable before a basket control is displayed, and wherein one or more notifications are sent by the basket interface component when contents of the collection of data items are modified. Further, the media include a collection creation component that, for each data object submitted to the basket interface component, adds at least one data item corresponding to the submitted data object to the collection of data items. The media additionally include a playlist application programming interface component configured to provide control of the basket interface component to a host application, wherein the playlist application programming interface component provides a web theme property to the collection of data items depending on a type of the data items such that one or more background images that are associated with the data items are displayed behind the data

items. Lastly, the media include a listmaker application programming interface for modifying properties of a browser software component.

The Yang reference, on the other hand, is directed toward a system for managing multimedia objects such as text, images, sound, and video clips. *See*, Yang reference, Abstract. The system of the Yang reference provides organization of these multimedia objects through the use of an architecture. *See id.* An example of such a system is illustrated in FIG. 6, which shows a main window, which is the container, or parent window, of all the child windows. *See id.* at FIG. 6. Initially, it is respectfully submitted that the Yang reference fails to teach or suggest one or more notifications being sent by the basket interface component when contents of the collection of data items are modified.

The Office Action, in its discussion of its rejection of claim 58, cites to a portion of the Yang reference for teaching a similar feature. This portion, however, describes only a process for adding a media file to an album. *See* Yang reference, col. 23, l. 40 to col. 24, l. 14. This portion also describes allowing a user to “enter information for all of the customized field names for the current active album.” *Id.* A detailed process, as mentioned above, is provided in this section of the Yan reference in steps one through five, which details how to drag and drop one or several files from one location to a MOMA album. *See id.* There is, however, no indication that a notification is sent when contents of the collection of data items are modified. As such, the Yang reference clearly fails to teach this feature of claim 52.

It is respectfully submitted that the Robbin reference and the Jamsa reference also fail to teach or suggest one or more notifications being sent by the basket interface component when contents of the collection of data items are modified. The Robbin reference is generally directed towards techniques for interaction between a host computer, such as a personal

computer, and a media player, including “automatic synchronization of media contents stored on a media layer with media contents stored on a host computer. . . .” Robbin reference at Abstract. Initially, information associated with the media player is read, and compared to information associated with the host media player from the host computer. *See id.* at FIG. 4. The media items to be copied are determined based on the comparison information, and these items are then copied to the host computer. *See id.*

The Jamsa reference is generally directed towards selecting files from a file list for a file operation, and is used for this specific purpose in the Office Action’s rejection of the claims. *See*, Jamsa reference, p. 111-12. Neither the Robbin reference nor the Jamsa reference teaches or suggests, in any respect, providing a notification when contents of the collection of data items are modified, and therefore cannot be used in the rejection of claim 52 for teaching or suggesting this feature.

Additionally, it is respectfully submitted that the Yang reference fails to teach or suggest a playlist application interface component that provides a web theme to the collection of data items depending on a type of the data items such that one or more background images that are associated with the data items are displayed behind the data items. In one embodiment, the data items may be music files, and music notes or instruments may be displayed as images behind the data items. In another embodiment, the data items may be pictures, and the background images may be cameras. As illustrated by the figures of the Yang reference and by other portions of the Yang reference, this feature of providing background images is not taught or suggested in any way by the Yang reference. It is respectfully submitted that the Robbin and Jamsa references also fail to teach or suggest this feature of claim 52. Each has been described

above, and as illustrated by the figures and text of each, such a feature was not contemplated at all to be included in either reference.

Independent claim 58, as amended herein, is directed towards a computer storage media having computer-executable components. The media include a basket interface component configured to simultaneously manipulate received data objects as a collection of data objects, wherein the received data objects correspond to active data objects that are selected by or excluded from the collection of data objects based upon designated criteria, wherein a basket display area includes a representation of the active data objects in a form of a query or an exclusion, and wherein the basket interface component notifies a browser software component when contents of the collection of data objects have been modified. Further, the media include a collection creation component that, for each data object submitted to the basket interface component, adds at least one data item corresponding to the submitted data object to a collection of data items. The media also include a playlist application programming interface component configured to provide control of the basket interface component to a host application, wherein the playlist application programming interface component provides a web theme property to the collection of data items depending on a type of the data items such that one or more background images are displayed behind the data items, and wherein the data items are music files and the one or more background images are one or more of music notes or instruments. Additionally, the media include a listmaker application programming interface for modifying properties of a browser software component, wherein the listmaker application programming interface includes a property selected from the group consisting of an identity of a browser component and an identity of a basket control.

As amended, claim 58 includes an additional feature of the basket display area including a representation of the active data objects in the form of a query or an exclusion. A query or exclusion may be used to identify data files based upon designated criteria. It is respectfully submitted that neither the Yang nor Robbin references teach or suggest this feature, as admitted in the Office Action. *See*, Office Action, p. 6. The Office Action, however, used the Jamsa reference to reject a related feature of claim 58, which recites “wherein the received data objects correspond to active data objects that are selected by or excluded from the collection of data objects based upon designated criteria.” *See id.* This portion of the Jamsa reference teaches only that “[d]epending on the files with which you want to work, there may be times when you want to perform a file operation with all but a few select files. . .” Jamsa reference, 112. As such, the Jamsa reference teaches only about selecting one or more data items, but it does not teach or suggest this feature in addition to the newly added feature of claim 58, which requires a query or an exclusion as a representation of the active data objects in a basket display area. The Jamsa reference does not contain in the text or illustrate in any figures a query or exclusion, which represents the data items in a particular collection of data objects.

Additionally, it is respectfully submitted that the Yang reference fails to teach or suggest a playlist application interface component that provides a web theme to the collection of data items depending on a type of the data items such that one or more background images that are associated with the data items are displayed behind the data items. Claim 58, as amended herein, further includes that the data items are music files, and one or more of music notes or instruments are displayed as the background images behind the data items. As illustrated by the figures of the Yang reference and by other portions of the Yang reference, this feature of providing background images is not taught or suggested in any way by the Yang reference. It is

respectfully submitted that the Robbin and Jamsa references also fail to teach or suggest this feature of claim 52. Each has been described above, and as illustrated by the figures and text of each, such a feature was not contemplated at all to be included in either reference.

Independent claim 60, as amended herein, is generally directed towards a computer storage media having computer-executable components. The media include a basket interface component configured to simultaneously manipulate received data objects as an integrated unit, and a collection creation component that, for each data object submitted to the basket interface component, adds at least one data item corresponding to the submitted data object to a collection of data items, wherein the basket interface component includes a writable property which defines properties of the collection of data items. The media further include a playlist application programming interface component configured to provide control of the basket interface component to a host application, wherein the playlist application programming interface includes a copy mode property that determines whether contents of nested data objects will be flattened or whether the contents of the nested data objects will retain a nested hierarchy when the data objects are copied into the collection of data items. Additionally, the media include a listmaker application programming interface for modifying properties of a browser software component, wherein the listmaker application programming interface includes a property selected from the group consisting of an identity of a browser component and an identity of a basket control, wherein the listmaker application programming interface is configured to provide a writeable and readable width property associated with a width of a basket control, and wherein the listmaker application programming interface further includes a navigational display area such that representation of the data objects that have already been submitted to the basket control are highlighted in the navigational display area.

As amended, independent claim 60 now includes an additional features of “wherein the listmaker application programming interface further includes a navigational display area such that representation of the data objects that have already been submitted to the basket control are highlighted in the navigational display area.” When data objects are being submitted to a basket display area, for example, such as when a user drags and drops the representation of data objects to the basket display area, those data objects that have already been submitted to the basket display area may be highlighted or otherwise visually distinguished in the navigational display area such that the user is aware that he/she does not need to move those data objects into the basket display area that are already there. It is respectfully submitted that this feature is not taught or suggested by any of the cited reference, including the Yang, Robbin, and Jamsa references.

Rather, the Yang reference teaches only a system for managing multimedia objects, but in representative figures, such as FIG. 7, there is not even a suggestion that data items that have already been added to a basket display area are highlighted in another area, such as in a navigational display area, indicating to the user that those data items have already been added. *See* Yang reference, FIG. 7. As discussed above, the Robbin reference discusses only synching a host device, such as a personal computer, to a media player, but does not teach or suggest highlighting any data files or objects that have already been added to a basket display area or other type of file folder. *See* Robbin reference, Abstract. Further, the Jamsa reference teaches only about selecting individual and groups of data items from a particular folder, and does not teach in any way highlighting those data items in a navigational display area that have already been added to a basket display area.

As such, it is respectfully submitted that the Yang, Robbin, and Jamsa references, either alone or in combination, fail to teach or suggest all of the features of independent claims 52, 58 and 60, as amended herein. Therefore, independent claims 52, 58, and 60 are patentable over the Yang, Robbin, and Jamsa references. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 52, 58, and 60 under 35 U.S.C. § 103(a). Claims 52, 58, and 60 are believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 53-55, 57 and 59 depend, either directly or indirectly, from claims 52 or 58, and therefore for at least the reasons stated above with respect to claims 52 and 58, are patentable over the Yang, Robbin, and Jamsa references. As such, claims 53-55, 57 and 59 are believed to be in condition for allowance and such favorable action is respectfully requested.

**C.) Obviousness Rejection Based on the Yang reference, in view of the Robbin reference, in further view of the Jamsa reference and in further view of "The Essentials of User Interface Design" by Cooper**

Claim 56 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Yang reference, in view of the Robbin reference, in further view of the Jamsa reference, and in further view of "The Essentials of User Interface Design" by Cooper (hereinafter the "Cooper reference"). Claim 56 indirectly depends from independent claim 52, and therefore, for at least the same reasons stated above for independent claim 52, it is respectfully submitted that claim 56 is also patentable over the Yang, Robbin, Jamsa, and Cooper references.

### **CONCLUSION**

For at least the reasons stated above, claims 52-60 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [emcfarland@shb.com](mailto:emcfarland@shb.com) (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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